

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

MELODY JOY CANTU and §  
DR. RODRIGO CANTU, §  
*Plaintiffs* §  
§ § CASE NO 5:20-CV-00746-JKP (HJB)  
§  
V. §  
§  
DR. SANDRA GUERRA and §  
DIGITAL FORENSICS CORPORATION, §  
LLC §  
*Defendants* § JURY DEMANDED

**JOINT ADVISORY TO THE COURT REGARDING THE  
IN-PERSON HEARING SET ON NOVEMBER 4, 2022**

Pursuant to the Court’s Order Setting In-Person Hearing [Doc. 108] and Order Adding Motion to In-Person Hearing [Doc. 113], Plaintiffs, MELODY JOY CANTU and DR. RODRIGO CANTU, Defendant, DR. SANDRA GUERRA (“Dr. Guerra”), and Defendant, DIGITAL FORENSICS CORPORATION, LLC (“DFC”), have conferred with one another regarding the specific relief requested in Plaintiff, Melody Joy Cantu’s Notice of Motion for Opposed Protective Order [Doc. 101], Defendant, Dr. Sandra Guerra’s Motion to Compel Plaintiffs’ Responses to Written Discovery and Request for Sanctions [Doc. 102], Plaintiffs Melody Joy Cantu’s and Dr. Rodrigo Cantu’s Motion to Compel [Doc. 103], and Defendant, Dr. Sandra Guerra’s Motion to Compel Plaintiffs’ Responses to Written Requests for Discovery Regarding Plaintiffs’ Damages and Requests for Sanctions [Doc. 111] and hereby advise the Court as follows:

**The parties agree that there are no matters currently set for hearing on November 4, 2022 which require resolution by the Court. Therefore, the parties respectfully request that the Court cancel the in-person hearing currently set on November 4, 2022.**

The parties represent to the Court that they have reached the following agreement on all matters currently set for hearing on November 4, 2022:

**1. With respect to Plaintiff, Melody Joy Cantu's Notice of Motion for Opposed Protective Order [Doc. 101]:**

- a. Dr. Guerra and DFC have re-confirmed their prior agreement that the Confidentiality and Protective Order that the Court entered on June 23, 2022 [Doc. 88] applies to documents produced by third parties. Although it is duplicative of Doc. 88, the parties agree to the entry of the Confidentiality and Protective Order requested by Plaintiff, Melody Joy Cantu in Doc. 101.
- b. Plaintiffs shall, no later than November 11, 2022, execute and deliver to counsel for Dr. Guerra, the HIPAA Authorizations sent to counsel for Plaintiffs on July 20, 2022.
- c. In response to Request for Production No. 29 set forth in Plaintiffs' Third Requests for Production served on August 16, 2022, Defendant, Dr. Guerra, shall, no later than November 11, 2022, execute and deliver to counsel for Plaintiffs, a HIPPA authorization to be used solely by Plaintiffs in connection with a subpoena by Plaintiffs to Dr. Guerra's treating physician for the production of medical records relating solely to such treating physician's diagnosis of Dr. Guerra's PTSD, subject to the Confidentiality and Protective entered by the Court on June 23, 2022 [Doc. 88] and the Confidentiality and Protective Order requested by Plaintiffs in Doc. 101.

**2. With respect to Defendant, Dr. Sandra Guerra's Motion to Compel Plaintiffs' Responses to Written Discovery and Request for Sanctions [Doc. 102]:**

- a. Plaintiff, Melody Joy Cantu, shall, no later than November 11, 2022, (i) produce all documents responsive to Requests for Production Nos. 20-30 set forth in Dr. Guerra's Second Request for Production to Melody Joy Cantu served on June 24, 2022 (or confirm in writing that no documents responsive to such applicable requests exist), and (ii) confirm in writing that no documents are being withheld on the basis of privilege or any objection. If any documents are identified by Plaintiff, Melody Joy Cantu, as being withheld on the basis of privilege, Plaintiff, Melody Joy Cantu, shall deliver a privilege log no later than November 11, 2022.
- b. Plaintiff, Dr. Rodrigo Cantu, shall, no later than November 11, 2022, (i) produce all documents responsive to Requests for Production Nos. 12-22 set forth in Dr. Guerra's First Request for Production to Dr. Rodrigo Cantu served on June 24, 2022 (or confirm in writing that no documents responsive to such applicable requests exist), and (ii) confirm in writing that no documents are being withheld on the basis of privilege or any objection. If any documents are identified by Plaintiff, Dr. Rodrigo Cantu, as being withheld on the basis of privilege, Plaintiff, Dr. Rodrigo Cantu, shall deliver a privilege log no later than November 11, 2022.
- c. Counsel for Plaintiffs have represented to counsel for Defendants that they originally represented Plaintiffs on an hourly fee basis and then converted to a contingency fee arrangement. In lieu of producing copies of Plaintiffs'

engagement agreements with the Tor Ekeland Firm, PLLC and the Rain Minns Law Firm requested by Dr. Guerra in her written discovery to Plaintiffs, Mr. Ekeland and Ms. Minns will each, on or before November 11, 2022, provide signed and sworn affidavits setting forth the financial terms of their legal representation agreements with Plaintiffs, including, without limitation, (i) the hourly billing rate charged by each attorney, paralegal, and law clerk who has worked on behalf of Plaintiffs in this litigation, (ii) the date Plaintiffs' counsel converted from an hourly fee basis to a contingency fee basis; (iii) the terms of Plaintiffs' contingency fee arrangement with Plaintiffs' counsel, including, (a) the percentage of any settlement, final judgment, or any monetary recovery that Plaintiffs have agreed Plaintiffs' counsel shall be entitled to retain in consideration for the legal services provided to Plaintiffs, and (b) the terms of Plaintiffs' payment of expenses or reimbursement of Plaintiffs' counsel for the advancement of payment of expenses on behalf of Plaintiffs; and (iv) the total amount Plaintiffs have actually paid Tor Ekeland Firm, PLLC and the Rain Minns Law Firm for fees and expenses as of the date hereof.

**3. With respect to Plaintiffs Melody Joy Cantu's and Dr. Rodrigo Cantu's Motion to Compel [Doc. 103]:**

- a. Counsel for Plaintiffs shall send counsel for DFC a list of the specific documents Plaintiffs contend DFC has not produced per Plaintiffs' Motion to Compel [103]. Upon receipt of such list from Plaintiffs' counsel, counsel for DFC will confer with DFC and, no later than November 11, 2022, either (i) confirm in writing to Plaintiffs that such documents been produced, (ii)

confirm such documents do not exist, or (iii) supplement DFC's production if needed.

**4. With respect to Defendant, Dr. Sandra Guerra's Motion to Compel Plaintiffs' Responses to Written Requests for Discovery Regarding Plaintiffs' Damages and Requests for Sanctions [Doc. 111]:**

- a. Plaintiffs shall, no later than November 11, 2022, serve their signed, sworn responses to each and every interrogatory set forth in Dr. Guerra's First Set of Interrogatories to Melody Joy Cantu served on August 15, 2022 and Dr. Guerra's First Set of Interrogatories to Dr. Rodrigo Cantu served on August 15, 2022.
- b. Plaintiffs shall, no later than November 11, 2022, (i) produce all documents responsive to each and every request for production set forth in Dr. Guerra's Third Requests for Production to Melody Joy Cantu served on August 15, 2022 and Dr. Guerra's Second Requests for Production to Dr .Rodrigo Cantu served on August 15, 2022, and (ii) confirm in writing that no documents are being withheld on the basis of privilege or any objection. If any documents are identified by Plaintiffs as being withheld on the basis of privilege, Plaintiffs shall deliver a privilege log no later than November 11, 2022.

Date: November 3, 2022.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on this 3<sup>rd</sup> day of November 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the parties on record.

/s/Ricardo G. Cedillo  
RICARDO G. CEDILLO